

## **REMARKS**

Applicant, his principal representatives in Germany, and the undersigned have carefully reviewed the first Office Action on the merits in the subject U.S. patent application, together with the prior art cited by the Examiner, and relied on in the rejections of the claims. In response, the claims of the application, as set forth in the Preliminary Amendment, have been amended. It is believed that the claims which are now pending in the subject U.S. application are patentable over the prior art cited and relied on by the Examiner, taken either singly or in combination. Reexamination and reconsideration of the application, and allowance of the claims is respectfully requested.

In the first Office Action on the merits, the Examiner noted the applicant's election of claims 102-127 to be prosecuted in this application, claims 128-191, which were previously withdrawn from consideration, are now cancelled. Applicant again expressly reserves the right to file one or more divisional patent applications directed to the invention or group of inventions to which those claims are directed.

Claim 126 was objected to as including limitations not having any antecedent basis. In response, claim 126 has been amended and now depends from claim 107. It is believed that claim 126, as so amended, overcomes the objection raised to it by the Examiner.

Claims 102, 103, 105, 108, 110, 111, 113, 114, 116, 118, 121, 122 and 127 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 01-232045, hereinafter Tsuneo. Claims 106 and 115 were rejected under 35 U.S.C. 103(a) as being

unpatentable over Tsuneo. Claim 109 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuneo in view of U.S. Patent No. 5,101,724 to D'Heureuse. Claims 104, 112, 117, 119 and 120 were rejected as being unpatentable under 35 U.S.C. 103(a) over Tsuneo in view of applicant's admitted prior art. Claim 123 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuneo in view of U.S. Patent No. 6,314,878 to Wolff et al. Claims 107 and 124-126 were rejected as being unpatentable over Tsuneo in view of U.S. Patent No. 6,138,563 to Sone.

Before discussing the differences between the subject matter, as recited in the currently amended claims, and the prior art as cited and relied on by the Examiner, it is believed that a brief review of the method disclosed in the subject application will be beneficial. In this regard, the Examiner is requested to review the Substitute Specification of the subject application, and specifically, that portion starting at paragraph 019 thereof. One of the goals of a current printing press, such as a jobbing printing press, is to utilize a dampening agent that reduces environmental stress. Accordingly, little or no alcohol is included in the dampening fluid. The result of the use of such dampening fluids is that the amount of such a dampening fluid must be controlled very precisely. Such a precise control of the dampening fluid happens in accordance with the production speed of the press and specifically to the rotational speed of the forme cylinder. The dampening unit or system must provide sufficient dampening fluid to the forme cylinder, while not supplying either too much fluid or too little fluid.

Since the printing press typically operates as a speed of 70,000 to 80,000 revolutions per hour, the web which is being printed travels at a higher rate of speed. The ink and the dampening fluid which are applied to the web by the forme cylinder, typically through a transfer cylinder in offset printing, must be supplied in an amount that is adequate to accomplish quality printing, but not in an amount which will not allow the web to dry before it moves on to its next processing step. Note the continuing discussion at paragraphs 20 and 21 of the Substitute Specification in this regard.

As recited in currently amended claim 102, and as described and depicted in the subject application and its accompanying drawings, the method for controlling rollers in a dampening agent application roller train includes providing a source of dampening fluid that is usable to provide such dampening fluid to a duct roller. This is the first roller or the fountain roller 04. This first roller is driven by its own drive motor 07 to rotate at a first surface speed. Dampening agent is picked up by the first roller 04 and is transferred to a second roller 06, which is referred to as a metering roller or as a transfer roller. The second roller 06 has its own drive motor 08. As discussed at paragraph 022 of the Substitute Specification, and as recited in claim 102, these two drive motors are controlled independently of each other. A ratio of the speed of the two rollers and a slippage between these two rollers is set by properly controlling the two drive motors or mechanisms 07 and 08. in this regard, note the discussion at paragraphs 023 and 024 of the Substitute Specification. The amount of slippage between the two rollers is a function of the production speed of the printing press, as discussed at paragraph 022 of the Substitute Specification.

The amount of dampening fluid that is to be supplied to the forme cylinder must be adjusted as a function of the speed of rotation of the forme cylinder. The speeds of the first and second dampening ink rollers are controllable with respect to each other and are independent of the motor for the forme cylinder. While there is no rigid dependence of the speed of these rollers, with respect to the forme cylinder speed, the speed of the first roller and of the second roller are set at a ratio with respect to the surface speed of the forme cylinder. Thus, there is a relationship between the speed of the first and second rollers of the dampening fluid system, to provide a slippage as a function of an operating condition of the forme cylinder of the printing unit. All of this is clearly recited in claim 102, as currently amended.

Referring now to the Tsuneo reference, as set forth in the English language abstract thereof, it is noted that there is no teaching or suggestion of the process or method of the subject invention, as recited in currently amended claim 102. in the Tsuneo device, there is shown as dampening fluid application apparatus whose purpose, according to the English language abstract, is to "continuously supply water to a plate cylinder as a definite water film regardless of the speed change of the plate cylinder." A water fountain roller 2 is provided with a drive motor 10 and with a drive motor controller 10. A water transfer roller 3 is provided with a drive motor 11 and with a drive motor controller 11'. The speeds of these two rollers 2 and 3 are independently controlled by their separate controllers.

Claim 102, as filed, and even more clearly as amended, recites that the second roller is rotated at a second roller surface speed which is greater than a first roller

surface speed. The result of this difference in speeds of rotation of the two rollers is the formation of a slippage between the two. The formation of that slippage, as a result of the speed difference between the first and second rollers, is specifically recited in currently amended claim 102. Claim 102, as amended, also recites controlling the slippage between the first and second roller surface speeds, using the first and second drive motors, as a function of an operating condition of the forme cylinder of the printing unit.

In the rejection of claim 102 it is recited that Tsuneo teaches rotating the first roller at a first roller speed and rotating the second roller at a second roller speed. In fact, all that Tsuneo teaches is that the speeds of the rollers are controlled independently by the respective motors. There is no teaching, or suggestion in Tsuneo of what the speeds of rotation of the two rollers 2 and 3 are to be, either by themselves, or with respect to each other. Claim 102 now recites that the second roller speed is greater than the first roller speed. Tsuneo does not contain any teaching, or suggestion of such a speed difference.

The Office Action recites that Tsuneo teaches the setting of one of a surface speed and a slippage between the first and second rollers as a function of an operating condition of the printing press. At best, Tsuneo teaches the independent controls of all of the speeds of all of the rollers so that, regardless of a speed change of a plate cylinder, water will be supplied to the plate cylinder as a definite water film. Tsuneo does not teach, or suggest the formation of a slippage between the first and second rollers and does not teach, or suggest any control of that slippage as a function of an

operating condition of the forme cylinder of the printing unit, as is recited in currently amended claim 102.

It is accordingly believed that claim 102, as filed, and even more clearly as amended, is not anticipated by Tsuneo. It is further believed, for the reasons set forth above, that Tsuneo does not render claim 102, as amended, obvious to one of skill in the art. The teachings of slippage between the rollers, and of a control of that slippage as a function of an operating condition of the forme cylinder is simply not disclosed, or suggested in the Tsuneo reference. Claim 102, as amended, is thus believed to be allowable.

All of the rest of the claims now pending in the application depend, either directly or indirectly from believed allowable claim 102. It is thus believed that these claims are also now in condition for allowance. With respect to claim 103, the Office Action recites that Tsuneo teaches changing the slippage between the first and second rollers as a function of a change in surface speed of the forme cylinder. It is respectfully submitted that Tsuneo, at least in the English language abstract available to the undersigned, and relied on by the Examiner, contains no such teaching. In Tsuneo, the object is to provide a definite water film to the plate cylinder regardless of the speed change of the plate cylinder. It thus could be argued that Tsuneo teaches the provision of the "definite water film", however that may be defined, regardless of the speed of the plate cylinder. This certainly does not appear to support is assertion made in the Office Action regarding claim 102. Various other assertions made with respect to the rejections of other ones of the dependant claims also find no basis in the English language abstract

of Tsuneo. A hindsight attribution of a recited claim feature, to a reference which is silent on the matter, is not appropriate. Tsuneo recites that the several drive motors are independently controllable. That does not give rise to an assertion that Tsuneo teaches selecting the first roller speed as being less than the second roller speed. Tsuneo could just as easily be asserted as providing the two speeds equal or providing the first greater than the second. None of these conclusions are supported by the brief abstract of Tsuneo.

The several secondary reference, which have been cited as showing various structural features, do not supply the teaching of currently amended claim 102, which are missing from the Tsuneo reference. None of them, take in combination with Tsuneo render claim 102, as currently amended, obvious to one of skill in the art. These dependant claims are thus also believe to be allowable.

In passing, it is noted that Tsuneo was cited, in the prosecution of the corresponding PCT application, as being a reference showing the general state of the art. It is respectfully submitted that the reliance on the Tsuneo reference as an anticipatory reference is not properly placed.

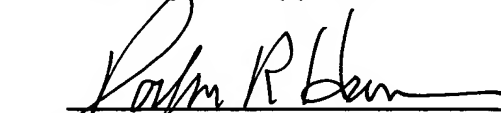
## SUMMARY

The claims not selected for prosecution in the subject application have been cancelled. Independent claim 102 and various ones of the claims which depend from it have been amended. It is believed that the claims now pending in the subject U.S. application are patentable over the prior art cited and relied on, taken either singly or in combination. Allowance of the claims, and passage of the application to issue is respectfully requested.

Respectfully submitted,

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